

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
for C'Velle
FEB 10 2006
JOHN F. CORCORAN, CLERK
BY: J. Justice
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CIVIL ACTION No. 3:05CV00016

ORDER

JUDGE NORMAN K. MOON

Defendant.

ADJUDGED, ORDERED, AND DECREED

as follows:

1. The Magistrate's Report and Recommendation of October 7, 2005 is ADOPTED IN PART.
2. The Plaintiff's motion for summary judgment of August 29, 2005 and the Defendant's motion for summary judgment of September 26, 2005 are DENIED.
3. The final decision of the Commissioner shall be, and hereby is, REVERSED.
4. This case shall be, and hereby is, REMANDED to the Commissioner for further proceedings, in accordance with the accompanying Memorandum Opinion.
5. This case shall be, and hereby is, STRICKEN from the docket of the court.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the Magistrate Judge and to all counsel of record.

ENTERED:

Nannal Mann
United States District Judge

February 10, 2006
Date